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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RIGHTHAVEN LLC, a Nevada limited-  
liability company,

Plaintiff,

v.

CARBON ATHLETICS, an Arizona limited-  
liability company; and CODY FAETH, an  
individual,

Defendants.

Case No.: 2:10-cv-02070

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Carbon Athletics LLC (“Carbon Athletics”) and Cody Faeth (“Mr. Faeth”; collectively with Carbon Athletics known herein as the “Defendants”) on information and belief:

**NATURE OF ACTION**

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

**PARTIES**

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Carbon Athletics is, and has been at all times relevant to this lawsuit, an Arizona limited-liability company.

5. Mr. Faeth is, and has been at all times relevant to this lawsuit, identified by the Arizona Secretary of State business entity database as a Member of Carbon Athletics.

6. Carbon Athletics is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant of the Internet domain found at <themorningwoodnews.com> (the “Domain”).

7. Carbon Athletics is, and has been at all times relevant to this lawsuit, identified by GoDaddy as an administrative contact and technical contact for the Domain (the content accessible through the Domain and the Domain itself known herein as the “Website”).

8. Mr. Faeth is, and has been at all times relevant to this lawsuit, identified by GoDaddy as an administrative contact and technical contact for the Domain.

**JURISDICTION**

9. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

10. Righthaven is the owner of the copyright in the illustration entitled: “Vdara death-ray” (the “Work”), attached hereto as Exhibit 1.



23. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(5).

25. The Work was originally published on or about September 25, 2010.

27. On or about September 28, 2010, the Defendants displayed, and continue to display, the Infringement on the Website.

29. The Defendants were not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

30. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 29 above.

32. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

1 33. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to  
2 17 U.S.C. § 106(3).

3 34. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17  
4 U.S.C. § 106(5).

5 35. The Defendants reproduced the Work in derogation of Righthaven's exclusive  
6 rights under 17 U.S.C. § 106(1).

7 36. The Defendants created an unauthorized derivative of the Work in derogation of  
8 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

9 37. The Defendants distributed, and continue to distribute, an unauthorized  
10 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under  
11 17 U.S.C. § 106(3).

12 38. The Defendants publicly displayed, and continue to publicly display, an  
13 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive  
14 rights under 17 U.S.C. § 106(5).

15 39. Carbon Athletics has willfully engaged in the copyright infringement of the Work.

16 40. Mr. Faeth has willfully engaged in the copyright infringement of the Work.

17 41. The Defendants' acts as alleged herein, and the ongoing direct results of those  
18 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount  
19 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

20 42. Unless the Defendants are preliminarily and permanently enjoined from further  
21 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus  
22 entitled to preliminary and permanent injunctive relief against further infringement by the  
23 Defendants of the Work, pursuant to 17 U.S.C. § 502.

24  
25 **PRAYER FOR RELIEF**

26 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

27 1. Preliminarily and permanently enjoin and restrain the Defendants, and the  
28 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related

1 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from  
2 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works  
3 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,  
4 directing, participating in, or assisting in any such activity;

5 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies  
6 or electronic copies:

7 a. All evidence and documentation relating in any way to the Defendants'  
8 use of the Work, in any form, including, without limitation, all such evidence and  
9 documentation relating to the Website;

10 b. All evidence and documentation relating to the names and addresses  
11 (whether electronic mail addresses or otherwise) of any person with whom the  
12 Defendants have communicated regarding the Defendants' use of the Work; and

13 c. All financial evidence and documentation relating to the Defendants' use  
14 of the Work;

15 3. Direct GoDaddy, and any successor domain name registrar for the Domain, to  
16 lock the Domain and transfer control of the Domain to Righthaven;

17 4. Award Righthaven statutory damages for the willful infringement of the Work,  
18 pursuant to 17 U.S.C. § 504(c);

19 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by  
20 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

21 6. Award Righthaven pre- and post-judgment interest in accordance with applicable  
22 law; and

23 7. Grant Righthaven such other relief as this Court deems appropriate.  
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28

**DEMAND FOR JURY TRIAL**

Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated this twenty-fourth day of November, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons

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